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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/915,490	07/26/2001	Michael Wayne Brown	AUS920010396US1	6710

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EXAMINER
GOLD, AVI M

ART UNIT	PAPER NUMBER
2157	

DATE MAILED: 12/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	**Applicant(s)**
	09/915,490	BROWN ET AL.
Office Action Summary	**Examiner**	**Art Unit**	
	Avi Gold	2157	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *31 August 2006*.
2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1,3,5-9,12-14,16-20,23-25,27-31,34-39,41-44,46-49 and 54-56* is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) *1,3,5-9,12-14,16-20,23-25,27-31,34-39,41-44,46-49 and 54-56* is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a) ☐ All   b) ☐ Some * c) ☐ None of:
        1. ☐ Certified copies of the priority documents have been received.
        2. ☐ Certified copies of the priority documents have been received in Application No. _____.
        3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

This action is responsive to the amendment filed on August 31, 2006. Claims 1,

5-7, 25, 27-29, 36, 41, 46, and 54-56 have been amended. Claims 1, 3, 5-9, 12-14, 16-

20, 23-25, 27-31, 34-39, 41-44, 46-49, and 54-56 are pending.

Response to Amendment

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

2.   Claims 1-5, 8-16, 19-27, and 30-56 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Botham, Jr. et al., U.S. Patent No. 6,785,812, further in view of

Okada et al., U.S. Patent No. 6,393,461.

Botham teaches the invention substantially as claimed including a secure and

controlled electronic document distribution arrangement (see abstract).

Regarding claims 1 and 25, Botham teaches a method, in at least one server

system for enabling at least one messaging session via a network between at least a

selection of a plurality of separate client systems communicatively connected to said

network; and program for recording a messaging session, said method comprising the

steps of:

applying, at said at least one server system, a separate distinguishable digital

watermark to each of a plurality of message entries communicated between said

selection of said plurality of separate client system, wherein each said separate

distinguishable digital watermark identifies a separate origin of said message entry from

among said plurality of separate client systems (col. 2, lines 28-43, Botham discloses

documents electronically distributed across a communication network wherein each

document contains a watermark identifying its origin; fig. 2, ref 218, Botham discloses

said watermark applied at the server); and

a plurality of messaging entries with each said separate distinguishable

watermark applied, such that an origin of each of said plurality of message entries is

traceable and the integrity of each of said plurality of message entries is verifiable

according to said distinguishable watermark (col. 2, lines 35-43, Botham discloses

watermarks confirming the validity and origin of the document).

Botham fails to teach the limitation further including the use of the message

entries communicated within a chat messaging session and recording a log of said chat

messaging session.

However, Okada teaches a communication management system for a chat

system provided in a computer network including a plurality of client workstations and a

server computer linked thereto (see abstract). Okada teaches the use of a chat system

with a log file wherein said chat system is used with a plurality of client workstations and

a server computer (col. 1, line 50 – col. 2, line 13).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Botham in view of Okada to use message entries communicated within a chat messaging session and recording a log of said chat messaging session. One would be motivated to do so because a chat session is a quicker way of communication.

Regarding claim 3, Botham and Okada teach the method for recording a messaging session according to claim 1, said method further comprising the step of:

applying each said separate distinguishable digital watermark and recording said log of said chat messaging session with said plurality of messaging entries at a particular client system from among said plurality of client systems (Botham, col. 2, lines 28-43).

Regarding claims 5, 16, and 27, Botham and Okada teach the method, system, and program for recording a messaging session according to claims 1, 14, and 25, said step of applying, at said at least one server system, a separate distinguishable digital watermark further comprising the step of:

Applying, at said at least one server system, a separate textual watermark to each of said plurality of message entries within said messaging session (Botham, col. 2, lines 28-43).

Regarding claims 8, 19, and 30, Botham and Okada teach the method, system, and program for recording a messaging session according to claims 1, 14, and 25, said method, system, and program further comprising the step of:

transmitting said log of said chat messaging session to a plurality of users participating in said messaging session (Okada, col. 1, line 50, col. 2, line 13).

Regarding claims 9, 20, and 31, Botham and Okada teach the method, system, and program for recording a messaging session according to claims 1, 14, and 25, said method, system, and program further comprising the step of:

storing said log of said messaging session in a log file repository for tracing said origin of said plurality of message entries according to each said separate distinguishable watermark (Okada, col. 1, line 50 – col. 2, line 13).

Regarding claims 12, 23, and 34, Botham and Okada teach the method, system, and program for recording a messaging session according to claims 1, 14, and 25, said method, system, and program further comprising the step of:

applying each said separate distinguishable digital watermark in response to a user request received from at least one from among said plurality of client systems to record said plurality of messaging entries with watermarking (col. 1, lines 57-62, Botham discloses permissions with respect to the client).

Regarding claims 13, 24, and 35, Botham and Okada teach the method, system,

and program for recording a messaging session according to claims 1, 14, and 25, said

method, system, and program further comprising the step of:

applying said distinguishable watermark to a plurality of message entries already

recorded in a second log of said messaging session (Botham, col. 2, lines 28-43).

Regarding claim 14, Botham teaches a system for recording a messaging

session, said system comprising:

a messaging server communicatively connected to a network;

said messaging server further comprising:

means for applying a separate distinguishable digital watermark to each of a

plurality of message entries communicated, wherein each said separate distinguishable

digital watermark identifies a separate origin of said message entry from among said

plurality of separate client systems; and

said plurality of messaging entries with each said separate distinguishable

watermark applied, such that an origin of each of said plurality of message entries is

traceable and the integrity of each of said plurality of message entries is verifiable

according to said distinguishable watermark (fig. 2, ref. 218, col. 2, lines 28-43).

Botham fails to teach the limitation further including the use of a messaging

server for enabling at least one real time chat messaging session channel via said

network between at least a selection of a plurality of separate client systems

communicatively connected to said network to facilitate said chat messaging session

and recording a log of said chat messaging session.

However, Okada teaches the use of a chat system with a log file wherein said

chat system is used with a plurality of client workstations and a server computer (col. 1,

line 50 – col. 2, line 13).

It would have been obvious to one of ordinary skill in the art at the time of the

invention to modify Botham in view of Okada to use a messaging server for enabling at

least one real time chat messaging session channel via said network between at least a

selection of a plurality of separate client systems communicatively connected to said

network to facilitate said chat messaging session and recording a log of said chat

messaging session. One would be motivated to do so because a chat session is a

quicker way of communication.

Regarding claims 36, 41, and 46, Botham teaches the method, system, and

program for participating in a messaging session, said method, system, and program

further comprising the step of:

a plurality of messaging entries as each messaging entry is entered by separate

ones of a plurality of separate users participating; and

wherein said plurality of message entries for said chat messaging session are

each embedded by a separate digital watermark, wherein each said separate digital

watermark identifies a separate origin of each of said plurality of message entries from

among separate ones of said plurality of client systems (fig. 2, ref. 218, col. 2, lines 28-43).

Botham fails to teach the limitation further including the use of the message entries communicated within a chat messaging session and recording a log of said chat messaging session.

However, Okada teaches the use of a chat system with a log file wherein said chat system is used with a plurality of client workstation and a server computer (col. 1, line 50 – col. 2, line 13).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Botham in view of Okada to use message entries communicated within a chat messaging session and recording a log of said chat messaging session. One would be motivated to do so because a chat session is a quicker way of communication.

Regarding claims 37, 42, and 47, Botham and Okada teach the method, system, and program for participating in a messaging session according to claims 36, 41, and 46, said method, system, and program further comprising the step of:

requesting said recording of said messaging session with watermarking of said plurality of message entries (Botham, col. 2, lines 28-43).

Regarding claims 38, 43, and 48, Botham and Okada teach the method, system, and program for participating in a messaging session according to claims 1, 14, and 25, said method, system, and program further comprising the step of:

Participating in said messaging session by entering a messaging entry for distribution by said messaging server to said plurality of client systems through said messaging session channel (Botham, col. 2, lines 28-43).

Regarding claims 39, 44, and 49, Botham and Okada teach the method, system, and program for participating in a messaging session according to claims 1, 14, and 25, said method, system, and program further comprising the step of:

participating said messaging session by transmitting watermarked message entries for distribution by said plurality of users participating in said messaging session (Botham, col. 2, lines 28-43).

Regarding claims 54 and 56, Botham teaches a method and program for protecting message transmissions, said method and program comprising the step of:

detecting, at said particular client system, a new message entry entered at a client messaging system; and

applying, at said particular client system, a watermark to said new message entry prior to transmission for distribution within a messaging session, wherein said digital watermark identifies an origin of said new message entry from said particular client

system, such that an origin of said new message entry is traceable to said client

messaging system (fig. 2, ref. 218, col. 2, lines 28-43).

Botham fails to teach the limitation further including the use of the message

entries communicated within a chat messaging session.

However, Okada teaches the use of a chat system with a log file wherein said

chat system is used with a plurality of client workstation and a server computer (col. 1,

line 50 – col. 2, line 13).

It would have been obvious to one of ordinary skill in the art at the time of the

invention to modify Botham in view of Okada to use message entries communicated

within a chat messaging session. One would be motivated to do so because a chat

session is a quicker way of communication.

Regarding claim 55, Botham teaches a system for protecting message

transmissions, said system comprising:

a particular client messaging system from among a plurality of client systems

communicatively connected to a network;

said particular client messaging system further comprising:

means for detecting a new message entry entered at said particular client

messaging system; and

means for applying a digital watermark to said new message entry prior to

transmission from said particular client messaging system, wherein said digital

watermark identifies an origin of said new message entry from said particular client

system, such that an origin of said new message entry is traceable to said client

messaging system (fig. 2, ref. 218, col. 2, lines 28-43).

Botham fails to teach the limitation further including the use of the message

entries communicated within a chat messaging session.

However, Okada teaches the use of a chat system with a log file wherein said

chat system is used with a plurality of client workstation and a server computer (col. 1,

line 50 – col. 2, line 13).

It would have been obvious to one of ordinary skill in the art at the time of the

invention to modify Botham in view of Okada to use message entries communicated

within a chat messaging session. One would be motivated to do so because a chat

session is a quicker way of communication.

3.   Claims 6, 7, 17, 18, 28, and 29 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Botham and Okada in view of Rodriguez et al., U.S. Patent No.

6,650,761.

Botham teaches the invention substantially as claimed including a secure and

controlled electronic document distribution arrangement (see abstract). Okada teaches

the invention substantially as claimed including a communication management system

for a chat system provided in a computer network including a plurality of client

workstations and a server computer linked thereto (see abstract).

As to claims 6, 7, 17, 18, 28, and 29, Botham and Okada teach the method, system, and program of claims 1, 14, and 25.

Botham and Okada fail to teach the limitation further including the use of a graphical and audible watermark.

However, Rodriguez teaches systems using such optical interfaces to control computers, and to navigate over or act as portals on networks (see abstract). Rodriguez teaches the use of an audio watermark (col. 44, lines 66-67) and a graphical watermark (col. 53, lines 51-58).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Botham and Okada in view of Rodriguez to use a graphical and audible watermark. One would be motivated to do so because it would allow for different options of visible watermarking.

Response to Arguments

4.   Applicant's arguments with respect to claims 1, 3, 5-9, 12-14, 16-20, 23-25, 27-31, 34-39, 41-44, 46-49, and 54-56 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

    U.S. Pat. No. 6,606,393 to Xie et al.

    U.S. Pat. No. 6,754,822 to Zhao

    U.S. Pat. No. 6,356,935 to Gibbs

    U.S. Pat. No. 6,357,006 to Pham et al.

    U.S. Pat. No. 6,625,734 to Marvit et al.

    U.S. Pat. No. 5,828,835 to Isfeld et al.

    U.S. Pat. No. 6,564,322 to Jameson et al.

    U.S. Pat. No. 4,569,015 to Dolev et al.

    U.S. Pat. No. 6,760,443 to Lacy et al.

    U.S. Pat. No. 6,330,590 to Cotten

    U.S. Pat. No. 6,784,901 to Harvey et al.

    Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Avi Gold whose telephone number is 571-272-4002.

The examiner can normally be reached on M-F 8:00-5:30 (1st Friday Off).

    If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for

the organization where this application or proceeding is assigned is 703-872-9306.
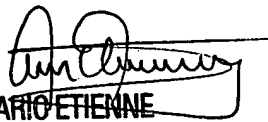
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Avi Gold

Patent Examiner

Art Unit 2157

AMG

ARIO ETIENNE

SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100